



Application Serial No. 929,293

PATENT
89188.0040

#10
6/13/03
PA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Paul C. Denny et al.

Serial No: 09/929,293

Filed: August 14, 2001

For: SALIVA-BASED METHODS FOR
PREVENTING AND ASSESSING THE
RISK OF DISEASES

Art Unit: 1723

Examiner: D. Reifsnyder

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June 2, 2003

Date of Deposit

Wei-Ning Yang, Reg. No. 38,690

Name

Signature Date 6/2/2003

**RESPONSE TO RESTRICTION/SPECIES
ELECTION REQUIREMENT**

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Species Election Requirement dated May 5, 2003, applicants hereby elect with traverse species of claim 3 for group A, species of claim 6 for group B, species of claim 7 for group C, and species V (claims 23, 30, and 31) of group D for prosecution on the merits in the subject application. Claims 1 and 10-22 are generic and read on the selected species. Therefore, upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species, which include all the limitations of an allowed generic claim.

The Examiner has required an election of one claim from Groups A-C and one claim combination (I-V) group D for consideration.

A. Saliva Sample - claim 2 or claim 3.

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- B. Component – claim 4, claim 5, or claim 6.
- C. Mucin – claim 7, claim 8, or claim 9.
- D. Disease Assessment:
- I. Periodontal diseases – claims 23, 24 and 26
 - II. Cardiovascular diseases – claims 23 and 25
 - III. Diabetes – claims 23 and 27
 - IV. Mucosal infections – claims 23, (28), and 29
 - V. Dental caries – claims 23, 30 and 31

This species election requirement is traversed with respect to groups A-C. The generic claims 1 and 10-22 include sufficiently few species of groups A-C and a search and an examination of all species of groups A-C at one time would not impose the serious burden on the Examiner. Additionally, applicants would like to point out that the Examiner omitted claim 28 from the election requirement. Claim 28 is directed to mucosal infections and should be included in the group D(IV).

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Dated: June 2, 2003

By: 

Wei-Ning Yang
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Alexandria, VA 22313-1450, on
June 2, 2003

Date of Deposit

Wei-Ning Yang, Reg. No. 38,690

Name

Signature

06/02/2003
Date

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Response to Restriction/Species Election Requirement in the above-identified application.

- ☐ Small entity status has been claimed. See 37 CFR § 1.27.
- ☐ A Notice Of Change Of Attorney's Address and Associate Power Of Attorney is enclosed.
- ☒ No additional fee is required.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1314. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: June 2, 2003

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